

## History of the Marquette Law School

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# Marquette Law Review

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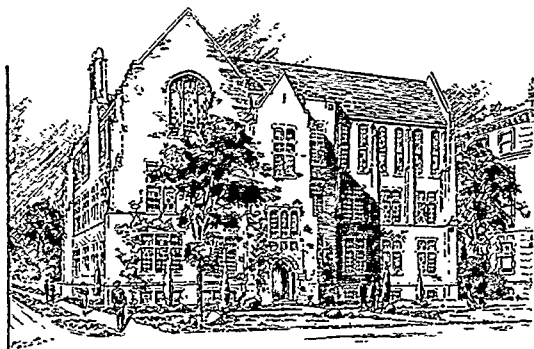
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## HISTORY OF THE MARQUETTE LAW SCHOOL

Prior to the year 1892 there was no place to secure a legal education in Milwaukee outside of the usual method of clerking in a lawyer's office. In the fall of 1892, a small group of such earnest students of the law banded themselves together to facilitate and secure for themselves some better method of mastering the necessary legal principles needed to enter their chosen profession. This group called themselves the Milwaukee

Law Class and through their efforts, various attorneys and judges were asked to deliver lectures upon some legal subject. To this class came W. H. Churchill,<sup>1</sup> at that time fresh from his legal studies at the University of Michigan, but anxious to become more familiar with the law of this state.

The meeting place of this law class, though usually in the Miller Block, met occasionally in the Spencerian Business College and the Mack Block. Later, as the class became more permanent, the meetings were regularly held in the rooms of the Spencerian Business College. To these irregular meetings at first, Judge Noyes, of the firm of Miller, Noyes and Miller, was asked to lecture; also Judge Jenkins and many other attorneys in the city who were willing to take time from the stress of practice to aid these men in their pursuit of a legal education. It often happened that on an evening when a lecturer was scheduled to appear, he was unable to do so, leaving the class without instruction for that evening. On one of these occasions, W. B. Churchill, a member of the class, was persuaded by his fellow class-members to conduct the class for that evening, he being best qualified as being the only graduate of a law school then a member. Though still a member of the class he continued to deliver extemporaneous lectures any time a scheduled lecturer failed to appear, which was rather frequent. While the class now saw the necessity of engaging regular lecturers it still called upon special lecturers when obtainable. Mr. Churchill became the regular lecturer on Torts and allied subjects, while Frank Spies lectured on Contracts. Later Frank Van Valkenburgh, Jr., joined as a regular lecturer. This more or less haphazard arrangement for instruction of the law class continued until about 1895, when Edward W. Spencer and Lynn S. Pease joined Mr. Churchill as the regular lecturers and instructors of the Milwaukee Law School. These three men conducted the now Milwaukee Law School until its merger with Marquette University, never being incorporated, and never soliciting for students, outside of the annual announcements of the beginning of the term of lectures.

In 1908, fifteen years after the beginning of the Milwaukee Law School, Marquette University was ready to expand, having become a chartered University in 1907. The desirability of establishing a law department of the university was ably

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<sup>1</sup> W. B. Churchill has been an instructor for thirty-two consecutive years and is at present on the faculty of the Night School.

championed by Father Spalding, S.J., and Timothy Hannon, who was a recent graduate of the Milwaukee Law School. Negotiations were entered into which finally resulted in a formal transfer of the Milwaukee Law School to Marquette University, the three instructors, W. B. Churchill, E. W. Spencer, and Lynn S. Pease, continuing under the university arrangement. At this time there were over one hundred graduates of the Milwaukee Law School, and those who had finished a full term and passed the bar examination were presented degrees by Marquette University. There had also been in existence in Milwaukee for three years a Milwaukee University Law School, which was also absorbed by Marquette University.

The beginning of the Law School was indeed modest. It has at all times had a natural, normal growth. It always consisted of men who were earnest in the pursuit of legal knowledge, and limited by means and circumstances in the following of their profession. There were graduated from the Milwaukee Law School four of the present Circuit Judges, Hon. John J. Gregory, Hon. Oscar M. Fritz, Hon. Emil Gehrz, and Hon. Walter Schinz; one of our County Judges, Hon. Michael S. Sheridan; two of our Civil Court Judges, Hon. Joseph E. Cordes and Hon. Richard Elsner.<sup>2</sup> Several of the graduates have become court commissioners, one a congressman, one a member of the State Board of Control, many have served in the legislature, many are prominent lawyers in the state, and others are successful business men.

Marquette Law School was now the only law school in the city of Milwaukee and the second in the state of Wisconsin. It secured for its first dean the services of Hon. James G. Jenkins, through whose personal efforts and influences some of the best legal talent of the West was brought to Marquette, so the College of Law from the very beginning merited the confidence of the legal profession. Lynn S. Pease was associate dean until 1910, when Edward W. Spencer succeeded him. At this date Father Charles B. Moulinier, S. J., became regent of the Law School, succeeding Father Spalding, S. J., who had been the previous secretary. The first classes were conducted in the lecture rooms of the College of Arts and Sciences on Grand Avenue. However, in September, 1910, the College of Law had its own building, taking over the Mackie Mansion at Eleventh Street and Grand

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<sup>2</sup> Not in office at present.

Avenue. Perhaps the most significant change at this time, 1908, was the introduction of a full time day course leading to the degree of LL.B. This was a three year course. Although the university favored when possible, a college training as a preparation for professional studies, still the authorities after long and serious consultation had concluded to adopt the standards for admission recognized by the National Bar Association and established by the Supreme Court of Wisconsin. Persons over eighteen years of age, who were graduates of recognized colleges and universities, or four-year high schools, were eligible for admission to the day course without examination. The method of instruction was a combination of the lecture system, text system and the case system. The Law School was not committed to any one system to the exclusion of others, believing that each one had its merits. In brief, this combination of instruction by lectures, quizzes and textbook recitations was the method pursued by the better law schools of that day, with the exception of Harvard, where the case book method of study, now the accepted method at Marquette since 1917, and at most law schools, had been introduced a few years previously.

The faculty at this early stage was composed of some of the ablest and most successful members of the bench and bar of Milwaukee. This composition, maintained to the present day with the exception of present full-time faculty men, gave the Law School an atmosphere more practical and less academic than is found in most law schools. From the outset, it brings the student in contact with the practical and everyday life of the legal profession. In 1911, due to the illness of Dean Jenkins, A. W. Richter was made secretary of the College of Law, and continued as such until 1916. In 1916, with the advent of Father Hugh B. MacMahon, S. J., as regent, Max Schoetz, Jr., became secretary and acting dean. The following year, Max Schoetz, Jr., became dean of the Law School and has continued as such to the present day.

The Marquette Law School has always felt the need of increasing the standard of legal education and from time to time, slight increases in entrance requirements were put into effect. In 1913, at least one year of college or its equivalent, was required to enter the three-year day course. The four-year day course was provided in 1916 for those who were graduates of a four-year accredited high school and had no further training. During the

intervening years, the Day School had been constantly elevating its standards and instruction to be on a par with the requirements of the Association of Law Schools. The Night School continued its method of instruction, bending its efforts mainly to prepare students who were able to pass the state bar examination. In 1922, the admission requirements to the four-year day course went up to certain required units of work, and in 1923, the four-year course was abandoned, retaining only the three-year day course. After September 1, 1925, two years of college work will be required, this being the standard set by the Association of American Law Schools and the American Bar Association.

One of the most notable events in the history of the Law School was the establishment, in 1916, of the MARQUETTE LAW REVIEW. There had been a constant urge on the part of the students for a publication of this kind, and the approval with which it has been received, has well merited its inception. From the beginning, its growth and increased circulation has been equivalent to the efforts of the editorial staff to be of real service to the bench and bar, by the publication of not only theoretical articles of the law, but by articles of real practical aid to the practitioner. To-day, it is received by practically every law school in America and its bound volumes may be found adorning the shelves of the leading legal libraries in the country. It is exceptionally unique in the feature, different from the most law reviews, in that it is edited and managed exclusively by the student body.

In 1920 a chapter of the National Legal Fraternity of Delta Theta Phi was installed at Marquette, the Senate taking the name of Eschweiler in honor of Justice Franz E. Eschweiler, an instructor at Marquette, and whose loyalty to the school is ever present. This group of students were formerly the old Marquette Law Club which had grown with the school until the desire had been felt to become a member of a national professional fraternity. This was soon followed in 1922 by the Sigma Nu Phi, another national legal fraternity taking for the name of their chapter the James G. Jenkins, in honor of the first dean of Marquette Law School.

This brief history of the Marquette Law School brings us to the present writing and to the announcement of the completion of the new \$200,000 Law Building which will be ready for occupancy next fall. This building, a modern, fire-proof, well-equipped law building has been the earnest desire of our dean and

every student and alumnus. It represents the fulfillment of a long-felt wish and the final culmination of bringing the law school into one building and under one roof. For many years past, the law school has expanded the environs of the Mackie Mansion, and it became necessary to hold some classes in the adjacent Administration Building. This congested arrangement lent impetus to the speedy erection of a new building, which is modern in every detail. The type of architecture is Collegiate Gothic, of the Tudor period. It contains four large lecture rooms and a large Moot Court room. The third floor will be occupied entirely by the library capable of holding 50,000 volumes. The stack room will be entirely distinct from the study room of the library which will enable a student to study without interference and movement. The library study room will be called the Father Grimmsman room in honor of a former president of the university. There is a special donation of \$50,000 from the Mrs. Kramer estate to be spent in furnishing this room. One of the points of beauty it will contain is a large, open, tiled fireplace. With the erection of this building, a great milestone in the progress of the Marquette Law School is passed and the state of Wisconsin can point with pride to an institution which maintains an ideal place for a student to pursue a knowledge of the law.

The Marquette Law School is about to complete the thirty-second year of its history. Its graduates at the end of the thirty-first year numbered nearly 400. These graduates together with the large body of other former students who have received instruction in law at Marquette constitute a body of men who have had in the aggregate no small influence upon legal, political and general civil life, particularly in the state of Wisconsin where the great majority of them are carrying on their daily work. The best friends of the Law School should be its former students. They should all manifest an active concern in its welfare. They should appreciate what has been done, but they should not stop there. Its future should equally enlist their sympathy and helpful interest. The claims of the school will never be exhausted. The following are immediate and insistent needs: (1) Salaries of the faculty members have been inadequate. (2) Additional faculty men are needed. Professorships in the Law School should be generously endowed. (3) The law library should be endowed in order that it may have the proper growth. (4) A number of scholarships should be provided for, to aid professional students

of limited means by at least a partial assistance. (5) The MARQUETTE LAW REVIEW should be endowed so its success may not depend upon the financial obligations connected with its publication. While the school in its narrower sense consists of the faculty and undergraduates, in its larger and better meaning it comprises all who have ever received instruction in its classrooms and all who are interested in the advancement of legal education.

V. W. DITTMANN, *Editor*.

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Marquette Law School announces its Fifth Annual Summer Session, June 16-July 26, 1924. Six credits will be given in the following courses: Damages, Municipal Corporations and Equity II. Those contemplating attending are urged to get in touch with the secretary of the Law School at once.

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Consistent with the desire of the REVIEW to mould the student graduate into an integral part of the Marquette Law School and to be of service to the alumni, there will be incorporated with the next volume of the LAW REVIEW an Alumni Legal Directory. This directory will be inserted at the beginning of each issue of the REVIEW and entitled the Marquette University Alumni Legal Directory. While this department is new it will be established in pursuance of numerous suggestions from our alumni that such a directory would prove both interesting and profitable. The directory will enable any alumnus who has legal business in other places to employ fellow alumni as their addresses will then be known.

If the alumni will co-operate with us and forward their names and addresses so as to reach us by October 15, 1924, it will be appreciated and any suggestions will be gratefully received. A nominal charge will be made to cover the cost of printing. The suggested rate is \$1.50 per year (four numbers).

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The attention of the subscriber is directed to the rear of this issue where there is incorporated an Index to the Leading Articles published in the LAW REVIEW from the beginning to date. While this index does not aim to be exhaustive in its analysis of the articles, merely indexing them under several general heads, yet